

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DESHON STOKES,

Petitioner,

v.

Case No. 09-10171

KENNETH MCKEE,

Respondent.

ORDER GRANTING MOTION TO AMEND HABEAS PETITION

Michigan prisoner Deshon Stokes ("Petitioner") has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter is before the court on Petitioner's motion to amend his habeas petition in this reopened case. Respondent has not yet filed an answer to the petition. Under the Federal Rules of Civil Procedure, a party may amend a pleading to which a response is required within twenty-one days after service of the responsive pleading. See Fed. R. Civ. P. 15(a)(1).¹ Since a responsive pleading has not yet been filed, Petitioner has the right to amend the petition without the court's permission. Accordingly,

IT IS ORDERED that Petitioner's motion to amend habeas petition [Dkt. # 14] is GRANTED. The clerk of the court is DIRECTED to file the amended petition that is attached to the motion.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

¹Rule 15(a) applies to habeas cases as it applies to other civil cases. See 28 U.S.C. § 2242 (habeas petitions "may be amended or supplemented as provided in the rules of procedure applicable to civil actions").

Dated: November 14, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 14, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522